

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

LEROY CAMPBELL	§	PLAINTIFF
	§	
v.	§	CAUSE NO. 1:06cv149-LG-JMR
	§	
HARTCARS, INC., d/b/a/ THRIFTY CAR RENTAL, WILLIAM H. GIBSON and LAURA J. BUSBY	§ § § § §	DEFENDANTS

**ORDER DENYING PLAINTIFF’S MOTION TO
SET ASIDE JUDGMENT PURSUANT TO RULE 59(e)**

BEFORE THE COURT is the Motion [27] of Plaintiff Leroy Campbell to Set Aside Judgment Pursuant to Rule 59(e). The Court, having considered the motion, Defendants’ response, and the relevant legal authority, is of the opinion that the motion should be denied.

“Under Rule 59(e) of the Federal Rules of Civil Procedure, the Court ‘recognizes only three possible grounds for any motion for reconsideration: (1) an intervening change in controlling law, (2) the availability of new evidence not previously available, and (3) the need to correct a clear error of law or prevent a manifest injustice.’” *Nationwide Mutual Fire Ins. Co. v. Pham*, 193 F.R.D. 493, 494 (S.D. Miss. 2000), *quoting Atkins v. Marathon LeTourneau Co.*, 130 F.R.D. 625, 626 (S. D. Miss. 1990). Having reviewed the pleadings, the undersigned is of the opinion that the Plaintiff has failed to establish any of the three possible grounds for reconsideration. Plaintiff contends that the Court improperly ruled on the statute of limitations issue raised in Defendants’ Motion to Dismiss when the Court lacked jurisdiction to do so. However, the Court’s Order held that the Court did not have jurisdiction over the Defendants because they had not been served by Plaintiff, but if service had been effected, Plaintiff’s claims

would be barred by the applicable statute of limitations. Thus, Plaintiff has not shown a clear error of law, nor has he shown an intervening change in the law or evidence which was not previously available. Plaintiff's Motion for Reconsideration is therefore not well-taken and should be denied.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion [27] of Plaintiff Leroy Campbell to Set Aside Judgment Pursuant to Rule 59(e) should be and is hereby **DENIED**.

SO ORDERED AND ADJUDGED this the 13th day of April 2007.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.
United States District Judge